

KENTUCKY BOARD OF DENTISTRY
LAW ENFORCEMENT COMMITTEE MEETING
July 9, 2010

CALL TO ORDER

The Law Enforcement Committee meeting was called to order at 9:00 a.m. A motion was made by Dr. Boggess to go into closed session pursuant to KRS 61.810(1) (c) and (j). Dr. Fort seconded the motion. All were in favor. A motion was made by Dr. Fort to come out of closed session. Dr. Boggess seconded the motion. All were in favor. A motion to adjourn was made by Dr. Boggess. Dr. Fort seconded the motion. All were in favor. The committee meeting adjourned at 3:30 p.m.

BOARD MEETING
July 10, 2010

William Boggess, D.M.D. called the meeting to order at 9:14 a.m. There was a determination of a quorum.

ROLL CALL

Board members present were: William Boggess, D.M.D.; Katherine King, D.M.D.; Allan Francis; C. Mark Fort, D.M.D.; and Hank Sleet, D.M.D., M.D.; Susan King D.M.D.; Jim Allen, D.M.D. and Dianne Embry R.D.H. Greg Vance D.M.D. was not in attendance.

Staff present were Mr. Bishop K. Bishop, Executive Director; Ryan Halloran, Assistant Attorney General/Board Counsel; Lisa A. Turner, Executive Staff Advisor; and Megan Allen, Database Analyst.

VISITORS

Dr. Marquetta Poynter
Dr. Melanie Peterson (KBD Legislative Committee)
Dr. Fonda Robinson (KBD Legislative Committee)
Dr. Julie McKee, Department of Public Health (KBD Legislative Committee)
Mike Porter, KDA (KBD Legislative Committee)
Dr. John Creech, KDA (KBD Legislative Committee)
Dr. Ted Logan, KDA
Dr. John Rakutt
Lori Wilson, RDH
Linda Wilson, RDH
Dr. Allan Linehan
Laura Blanton, RDH, KDHA President
Melissa Jones, RDH
Dr. Ken Rich
Dr. Rodney Fultz

APPROVAL OF MINUTES

Dr. Allen made a motion to accept the May 2010 and June 2010 Special Meeting minutes. Dr. Fort seconded the motion. All were in favor.

DIRECTOR'S REPORT

Mr. Bishop gave the budget report and discussed the state budget deficit.

Mr. Bishop gave a report on the Pike County R.A.M. event.

Mr. Bishop discussed that Standard Operating Procedures are driven by regulations and therefore would depend on what the final version of the Ordinary Regulations are and will be developed based upon the same.

CREDENTIALS COMMITTEE

The Credentials Committee made a motion to grant a dental license by credentials to Korie Dunhoft Acord, DMD; Abigail Edds, DMD; and Dale R. Schuur, DDS. Dr. Fort seconded the motion. All were in favor.

The Credentials Committee made a motion to grant a dental hygiene license by credentials to Laura Cobb, RDH ; Melinda Graham RDH; and Amelia Iovine, RDH. Ms. Embry seconded the motion. All were in favor.

LAW ENFORCEMENT COMMITTEE

Brian Fingerson gave the Well Being Committee report.

Mr. Francis made a motion to accept the closed case report. Ms. Embry seconded the motion. All were in favor.

10-019 The Law Enforcement Committee made a motion to add the charges in this complaint to existing charges in case numbers 08-025 and 09-126. Mr. Francis seconded the motion. All were in favor.

08-158 The Law Enforcement Committee made a motion to grant settlement authority of counter offer terms to include the successful completion of 40 hours of a Board approved clinical course on surgical extractions including diagnosis of post-operative complications followed by a clinical competency test to replace the condition in the rejected settlement agreement restriction on performing CDT code D7210 extractions. Dr. K. King seconded the motion. All were in favor.

10-010 The Law Enforcement Committee made a motion to file Notice of Hearing with settlement authority with the following terms: 1) suspension of DEA permit for one year; 2) three hours of a Board approved continuing education course with a written examination in "Documentation;" 3) three hours of a Board approved continuing education course with a written examination in "Prescription Writing;" 4) participation in CAPTASA or its equivalent; and 5) lifetime contract with the Well Being Committee. Mr. Francis seconded the motion. All were in favor.

10-039 B The Law Enforcement Committee made a motion to file charges in Fayette Circuit Court for illegal practice of dentistry (practicing on a suspended license). Mr. Francis seconded the

motion. All were in favor.

10-60, 69, 70 The Law Enforcement Committee made a motion to issue a Cease and Desist Order for the illegal practice of dentistry (teeth whitening) and to pursue injunctive relief upon failure to comply. Dr. K. King seconded the motion. All were in favor.

10-076 The Law Enforcement Committee made a motion to issue a private admonishment. Dr. Susan King seconded the motion. All were in favor.

NEW BUSINESS

Ms. Embry gave a report on the ADHA Meeting.

Dr. Susan King volunteered to participate as the KBD representative in the CODA Site Visit for UKCD DMD program in October 2011.

SRTA proxy vote was discussed. Dr. Sleet, Dr. Fort and Dr. Boggess will not attend in August and delivered their signed proxy notices to the respective Board Members who will attend.

Dr. Katherine King made a motion to nominate Dr. Susan King as the KBD SRTA representative. Dr. Fort seconded the motion. All were in favor.

Dr. Fort made a motion to nominate Dianne Embry as the hygiene representative for SRTA. Mr. Francis seconded the motion. All were in favor.

Dr. Boggess made a motion to recommend Dr. Katherine King as the ERC representative to SRTA. Ms. Embry seconded the motion. All were in favor.

NEW REGULATIONS

The Board reviewed each regulation individually:

Dr. Fort made a motion to accept the *Board Organization* regulation as revised today at this Board Meeting. Mr. Francis seconded the motion. All were in favor per roll call vote.

Dr. Allen made a motion to accept the *Advisory Opinions* regulation with no revisions made by the Board today. Dr. Fort seconded the motion. All were in favor per roll call vote.

Dr. Fort made a motion to accept the *Fees and Fines* regulation as revised today at this Board Meeting. Dr. Sleet seconded the motion. All were in favor per roll call vote.

Dr. Allen made a motion to require a passing score in each section of *the clinical exam* in the *Licensure of Dentists* regulation. Dr. Katherine King seconded the motion. Four were in favor; four were opposed. Motion failed for lack of a majority vote.

Dr. Fort made a motion to approve the *clinical exam requirement* section as revised today at this Board Meeting in the *Licensure of Dentists* regulation. Mr. Francis seconded the motion. Four were in favor; three were opposed; and one abstained. Motion passed by majority vote.

Mr. Francis made a motion to accept the *Licensure of Dentists* regulation as revised today at this Board Meeting. Mr. Francis seconded the motion. Seven were in favor; one opposed per roll call vote. Motion passed by majority vote.

Dr. Fort made a motion to accept the *Dental Practice* regulation as revised today at this Board Meeting. Dr. Sleet seconded the motion. All were in favor per roll call vote.

Dr. Fort made a motion to accept the current *Sedation* regulation in effect today as the emergency regulation submission. Dr. K. King seconded the motion. All were in favor per roll call vote.

Ms. Embry made a motion to accept the *Licensure of Dental Hygienists* regulation as revised today at this Board Meeting. Dr. Fort seconded the motion. All were in favor per roll call vote.

Ms. Embry made a motion to accept the revisions to the *Licensure of Dental Hygienists* regulation and the *Fees and Fines* regulation to include training for laser debridement and starting IVs. Dr. Fort seconded the motion. All were in favor per roll call vote.

Ms. Embry made a motion to accept the *Registered Dental Assistants* regulation as revised today at this Board Meeting. Dr. Allen seconded the motion. Seven were in favor; one abstained per roll call vote. Motion passed by majority.

Dr. S. King made a motion to accept the *Charity Dental Practice and Post Disaster Clinics* regulation as revised today at this Board Meeting. Dr. Sleet seconded the motion. Five were in favor; one opposed; and one abstained per roll call vote. Motion passed by majority.

Dr. Fort made a motion to accept the *Emergency Repealer* regulation as written without revision. Dr. K. King seconded the motion. All were in favor per roll call vote.

Dr. Fort made a motion to accept the definitions as written today and to include each definition in its respective regulation rather than in a separate Definitions regulation. Dr. Allen seconded the motion. All were in favor per roll call vote.

The Board directed Mr. Bishop to use Dr. Boggess as Board President for signature authority to pass the regulations.

The Board directed Mr. Bishop to draft the new jurisprudence exam and submit the same for Board approval at the Special Board meeting on July 24, 2010.

The top five candidates as ranked by the New Attorney Selection Committee will be interviewed on July 23, 2010 starting at 1:00 p.m. A Special Board Meeting will be held on July 24, 2010 at 9:00 a.m. to conduct the final interviews of the top candidates as determined by the Selection Committee after the first round interviews.

Mr. Francis made a motion to nominate Dr. Fort for President of the Board. Dr. Sleet seconded the motion.

Dr. Boggess made a motion to nominate Dr. Katherine King for President of the Board. Dr. Susan King seconded the motion.

Dr. Fort was elected President by majority written ballot vote.

Ms. Embry made a motion to nominate Dr. Katherine King for Vice President of the Board. Dr. Sleet seconded the motion.

Dr. Susan King made a motion to nominate Allan Francis for Vice President of the Board. Dr. Fort seconded the motion.

Dr. Katherine King was elected Vice President by majority ballot vote.

Dr. Boggess made a motion to nominate Dr. Susan King for Secretary / Treasurer of the Board. Dr. Fort seconded the motion. All were in favor.

No other nominations were proffered and Dr. Susan King was elected Secretary / Treasurer by voice vote. All were in favor.

President Fort assigned Drs. Susan King and Katherine King as Temporary Appointments to the Law Enforcement Committee.

Dr. Fort made a motion to adjourn at 3:10 p.m. Dr. Allen seconded the motion. All were in favor.

APPROVED:

William Boggess, D.M.D.
President

Dianne Embry, R.D.H.
Vice President